

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Leo McClam,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 3:15-cv-00362-TLW
	)	
Dr. NFN Cross,	)	
	)	
Defendant.	)	
	)	
_____	)	

**ORDER**

Plaintiff, Leo McClam (“Plaintiff”), brought this *pro se* civil action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights pursuant on January 27, 2015. (Doc. #1).

The matter now comes before this Court for review of the Report and Recommendation (“the Report”) issued on January 5, 2016 by United States Magistrate Judge Shiva V. Hodges, to whom this case had previously been assigned pursuant to the provisions of 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d) (DSC). (Doc. #70). In the Report, the Magistrate Judge recommends that this Court dismiss the above-captioned case with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Plaintiff did not file objections

to the Magistrate Judge's Report.<sup>1</sup> The deadline for Plaintiff to file objections expired on January 22, 2016. (See Doc. #70).

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

This Court has carefully reviewed the Magistrate Judge's Report and Recommendation and the record in this case. The Plaintiff did not file objections to the Report. Accordingly, for the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #70). The above-captioned matter is hereby dismissed with prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b); Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
Chief United States District Judge

June 8, 2016  
Columbia, South Carolina

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<sup>1</sup> The Magistrate Judge's Report and Recommendation was mailed to Plaintiff on January 5, 2016. (See Doc. #71). The mail was not returned to the Court. This Court has ensured that Plaintiff has received, is receiving, and has the ability to send, all legal mail. Pursuant to Magistrate Judge Hodges' Order (Doc. #62), Defendant submitted an affidavit under penalty of perjury affirming that Plaintiff receives and may send legal mail, and that Plaintiff has received all legal documents mailed to the Institution in which he is housed. (Docs. #64; 65). In addition, Defendant mailed a second copy of the summary judgment motion to Plaintiff on November 30, 2015. (Doc. #64 at 1-2). Upon careful review of the record, it appears that "Plaintiff has access to and receives his legal mail, but he intentionally refuses to accept it or open it." (Doc. #69 at 1). Moreover, on December 9, 2015, the Court further ordered Plaintiff to advise whether he wished to proceed with the case or have it dismissed. (Doc. #66). The Court has given Plaintiff multiple opportunities to pursue his claims, and concludes that Plaintiff's lack of response indicates that he wishes to abandon this action.